

S/N 09/326,163

Response to Office Action Dated 5/20/2003

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-38 are pending in this application.

Claim Amendments

No claims are amended or added.

Rejection of the Claims

Applicant's response of March 6, 2003 was found not fully responsive under 37 CFR 1.111(b):

"(1) because the remarks do not specifically point out how newly added claims 34-38 are patentable over the prior art of record. The Applicant may have intended the remarks with respect to claim 1 to apply to claims 34-38 as well. However, the record is unclear as to whether this assumption is correct. A response to this letter may merely point out that the remarks with respect to claim 1 apply to all pending claims in the application."

and

"(2) The Applicant's reply does not comply with 37 CFR 1.111(b) because it does not discuss the differences between claims 19 and 25 and the combination used in the rejection under 35 USC 103(a). Again, the Applicant may have intended the remarks with respect to claim 1 to apply to claims 19 and 25."

Regarding number (1) above, the Applicant pointed out in the March 6, 2003 reply that:

"New claims 34-38 are additional ways of distinctly claiming and particularly pointing out the subject matter of claims 1-33. No new matter has been added to the application by adding new claims 34-38."

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Applicant intends the remarks with respect to claim 1 in Applicant's March 6, 2003 reply to apply to claims 34-38 and all pending claims.

For example, claim 34 (previously added), like claim 1, recites subject matter directed to object deletion on a base computer during synchronization with another computer, such as a portable, in which the object to be synchronized has been temporarily removed from the portable computer. Both claim 34 and claim 1 find support in the instant specification, for example,:

"during each synchronization process, if an object has been deleted on the portable computer or the base computer since the last synchronization process, then the corresponding object on the other system is also deleted. Thus, if a memory card containing a previously synchronized object is removed from the portable computer, then a synchronization process will delete the previously synchronized object from the base computer. Typically, the user of the system did not intend for the objects on the memory card to be deleted from the base computer during a synchronization process. For example, the user may have temporarily removed the memory card to allow the insertion of a different memory card containing different objects or application programs" (page 3 of Applicant's specification).

Claim 1 recites "a method of synchronizing objects in a first device and a second device having a plurality of storage volumes, wherein the second device *occasionally deletes objects stored in one or more of the plurality of storage volumes during synchronization when the first device cannot access the one or more storage volumes*" (emphasis added). Claim 34 recites "creating a list of objects to update on a first computing device and a second computing device, wherein the objects on the second computing device are updated using corresponding objects on the first computing device and wherein the second computing device *deletes an object when the first device cannot access the corresponding object*" (emphasis added).

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As explained in Applicant's March 6, 2003 reply under the heading, "Claim 1" but equally applicable to all pending claims:

"neither the cited Hawkins reference or the cited Harari reference, either singly or in combination, address the problem (addressed by Applicant) of maintaining objects on a second device during synchronization processes wherein the second device *occasionally deletes objects from itself that are not accessible to a first device*" (emphasis added).

Further, claim 1 recites "identifying one or more storage volumes of the plurality of storage volumes as *currently accessible to the first device and synchronizing only objects contained in the one or more identified storage volume*"(emphasis added). Claim 34 recites "instructing the second computing device to *refrain from updating the object when the first computing device cannot access the corresponding object*" (emphasis added).

As explained in the Applicant's March 6, 2003 reply, Hawkins in light of Harari does not disclose, teach or suggest subject matter of Applicant's claims:

"Applicant's claims are nonobvious over Hawkins in light of Harari because Hawkins discloses a file synchronization scheme, but does not address synchronization when an object is not found on a device being synchronized with."

In addition to Hawkins in light of Harari not disclosing, teaching or suggesting relevant subject matter of Applicant's claims, in Applicant's March 6, 2003 reply, Applicant also explains with the use of examples that during synchronization, not deleting an object on a second device when the object is not currently accessible to a first device being synchronized with would not be inferred as obvious by a person having ordinary skill in the art at the time the invention was made.

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Hence, Applicant submits that previously added claims 34-38 are patentable for at least the same reasons given above and in the March 6, 2003 reply with respect to claim 1 and all pending claims.

Regarding number (2) above, Applicant reaffirms a paragraph from Applicant's March 6, 2003 reply:

Independent claims 19 and 25 are left unchanged because they already distinctly claim and particularly point out that objects temporarily unavailable to a device being synchronized with are spared synchronization.

Applicant intends the remarks with respect to claim 1 in Applicant's March 6, 2003 reply to apply to claims 19 and 25 as well. Hence, original claims 19 and 25 should be patentable over the cited references for at least the same reasons given with respect to claim 1 and all the pending claims in the March 6, 2003 reply.

CONCLUSION

Applicant respectfully suggests that claims 1-38 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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By: Mark C. Farrell
Lee & Hayes PLLC
Mark C. Farrell
Reg. No. 45,988
(509) 324-9256

lee@hayes.com 509-324-9256

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